

ORIGINAL

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

USDC EDWI
FILED IN GREEN BAY DIV

MAY 11 2012

AT ____ O'CLOCK ____ M
JON W. SANFILIPPO

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 12-CV-00221-WCG

ONE 2008 HAULMARK MOTORHOME,
BEARING VEHICLE IDENTIFICATION
NUMBER (VIN): 1FVHCRCK78DZ44088;

ONE 2008 HAULMARK MODEL
FPLT85X36WR12 TRAILER, BEARING
VEHICLE IDENTIFICATION NUMBER
(VIN): 16HGB36368H174719; and

TWELVE MOTORCYCLES
AS LISTED IN EXHIBIT A;
Defendants.

MOTION TO STRIKE ANSWER OF CLAIMANT

Now comes the Claimant Nikki Lee, in pro se, to respectfully move for the Court to Strike from the record, the Answer filed by claimant Larry Liebzeit, Chapter 7 Bankruptcy Attorney, for the following reasons stated as a Memorandum:

Memorandum in support of Motion:

1. On March 8, 2012, this Court Ordered all claimants to file a claim within 35 days of that Notice, dated March 8, 2012.
2. Further, the Court Ordered the Claimants to file an Answer to this claim within 21 (twenty-one) days of the filing of said claim.
3. The docket in this case indicates that Claimant Liebzeit filed a claim on April 11, 2012.

4. Further, the docket in this case shows that Claimant Liebzeit filed an Answer to this claim on May 3, 2012, which Answer was therefore a day late and filed out of Rule, and/or in violation of the Court's clearly stated Order.
5. Claimant Liebzeit did not ask the Court for permission to file his Answer late, nor offer any reason why he violated the Court's Order and filed late.
6. The Court's Order specifically stated:

"Any claimant of, in, or to the defendant properties must file a verified claim meeting the requirements of Rule G(5)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims with the Clerk of the United States District Court for the Eastern District of Wisconsin, Green Bay Division, 125 South Jefferson Street, Room 102, Green Bay, Wisconsin 54305 within thirty-five (35) days of the date of this notice, or within such additional time as may be allowed by the Court, and must serve an answer to the Complaint within twenty-one (21) days of filing the claim."
7. Claimant Nikki Lee is not an attorney nor does he claim knowledge of the law or court rules, but he does note that online there is a rule at the Court's web page, which states Under F.R.C.P. Rule 12, (1) (A)(i)) TIME TO SERVE A RESPONSIVE PLEADING (1) "within 21 days after being served with the summons and complaint." Thus, the Court's Order is in keeping with the Rule of Court and both the Rule and the Order were that Mr. Liebzeit MUST file his Answer in 21 days, not 22 days.
8. In addition, Mr. Liebzeit's claim is based upon allegations of concealment on the part of Mr. Lee, which allegation is baseless and grounded upon an original claim by Daniel Storm, a federal felon and Mr. Lee has never been convicted nor charged with concealment.
9. Mr. Liebzeit is a Bankruptcy Trustee representing Lee's bankruptcy creditors and Mr. Lee has never been found guilty of concealment in the US Bankruptcy Court.
10. The assets subject of this case were not owned by Mr. Lee at the time he filed bankruptcy and are therefore not subject to seizure by the Bankruptcy Trustee.

11. Claimant Lee states that Mr. Liebzeit, a professional attorney, failed to abide by the Court Order without explanation or reason and that the Answer filed by Mr. Liebzeit should therefore be Stricken from the record and his claim considered Moot.

12. This motion is humbly submitted as a point of correctness by pro se litigant Mr. Nikki Lee and asks the Court's consideration thereof and prays that his motion is well taken, and Mr. Liebzeit's Answer and therefore his claim, is stricken from the record in this case.

Respectfully submitted,



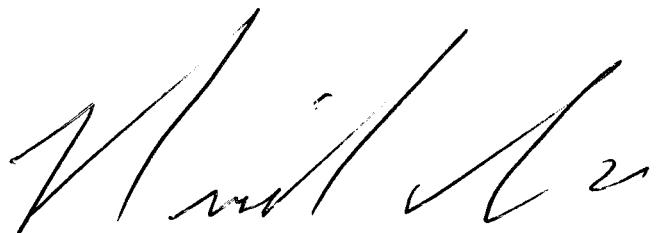
Nikki Lee, pro se

Certificate of Service

I, Nikki Lee, hereby certify that a true copy of this Motion to Strike was sent by placing a copy postage prepaid in the U.S. Postal Service to:

Larry Liebzeit, 512 W. college Avenue, Appleton, Wisconsin 54911;
Andrew G. Frank, 839 North Jefferson St., Ste. 400, Milwaukee, WI 53202
Scott J. Campbell, 517 E. Wisconsin Ave., Room 530, Milwaukee, WI 53202

on this 10th day of May, 2012.

A handwritten signature in black ink, appearing to read "Nikki Lee".

Nikki Lee, pro se